

1 **RENN PUBLIC LAW GROUP**
2 LOUISE RENNE (SBN 36508)
3 lrenne@publiclawgroup.com
4 RUTH M. BOND (SBN 214582)
5 rbond@publiclawgroup.com
6 ANASTASIA BONDARCHUK (SBN 309091)
7 abondarchuk@publiclawgroup.com
8 350 Sansome St., Suite 300
9 San Francisco, CA 94104
10 Telephone: (415) 848-7200
11 Facsimile: (415) 848-7230

12
13 *Attorneys for Plaintiff*

14
15 **COHEN MILSTEIN SELLERS &**
16 **TOLL PLLC**
17 JULIE GOLDSMITH REISER (*pro hac*
18 *vice pending*)
19 jreiser@cohenmilstein.com
20 MOLLY BOWEN (*pro hac vice pending*)
21 mbowen@cohenmilstein.com
22 LYZETTE WALLACE (*pro hac vice*
23 *pending*)
24 lwallace@cohenmilstein.com
25 1100 New York Ave. NW, 5th Floor
26 Washington, DC 20005
27 Telephone: (202) 408-4600
28 Facsimile: (202) 408-4699

19
20
21
22
23
24
25
26
27
28 LAURA POSNER (*pro hac vice pending*)
29 lposner@cohenmilstein.com
30 88 Pine St., 14th Floor
31 New York, NY 10005
32 Telephone: (212) 220-2925
33 Facsimile: (212) 838-7745

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35 **UNITED STATES DISTRICT COURT**
36 **NORTHERN DISTRICT OF CALIFORNIA**
37 **SAN FRANCISCO DIVISION**

38 THE EMPLOYEES' RETIREMENT
39 SYSTEM OF RHODE ISLAND derivatively
40 on behalf of PINTEREST, INC.

41 Plaintiff,

42 vs.

43 BENJAMIN SILBERMANN, EVAN
44 SHARP, JEFFREY JORDAN, JEREMY
45 LEVINE, GOKUL RAJARAM, FREDRIC
46 REYNOLDS, MICHELLE WILSON,
47 LESLIE KILGORE, AND TODD
48 MORGENFELD,

49 Defendants and

50 PINTEREST, INC., Nominal Defendant

51 Defendants.

52 Case No: 3:20-cv-08438

53
54 **PLAINTIFF EMPLOYEES' RETIREMENT**
55 **SYSTEM OF RHODE ISLAND'S**
56 **ADMINISTRATIVE MOTION TO CONSIDER**
57 **WHETHER CASES SHOULD BE RELATED**

1
2 STEPHEN BUSHANSKY derivatively on
3 behalf of PINTEREST, INC.

4 Plaintiff,

5 vs.

6 BENJAMIN SILBERMANN, JEFFREY
7 JORDAN, LESLIE KILGORE, JEREMY S.
8 LEVINE, GOKUL RAJARAM, FREDERIC
9 G. REYNOLDS, EVAN SHARP, and
MICHELLE WILSON, Defendants and

PINTEREST, INC., a Delaware Corporation

10 Nominal Defendant.

11
12 Pursuant to Civil Local Rule 3-12, Plaintiff Employees' Retirement System of Rhode Island
13 ("ERSRI") in Case No. 3:20-cv-08438¹ files this administrative motion asking the Court to consider
14 whether *Employees' Retirement System of Rhode Island v. Pinterest, Inc.* ("ERSRI v. Pinterest")
15 should be related to the earlier-filed case *Bushansky v. Pinterest, et al.*, ("Bushansky v. Pinterest"),
16 No. 20-cv-08331.

17 **I. ARGUMENT**

18 Plaintiff, ERSRI, has filed a shareholder derivative action on behalf of Nominal Defendant
19 Pinterest, Inc. ("Pinterest") arising from top executives and/or members of Pinterest's Board of
20 Directors engaging in or countenancing systemic race and sex discrimination in violation of state and
21 federal laws. Although the ERSRI complaint includes detailed allegations from a handful of
22 confidential witnesses and names an additional defendant, its subject matter appears to be related to
23 the *Bushansky* action.

24 First, the cases concern "substantially the same parties". *See* Civil Local Rule 3-12(a)(1). Both
25 plaintiffs are shareholders of Pinterest. Pinterest is the Nominal Defendant in both cases. The cases

26
27 ¹ A copy of the November 30, 2020 Verified Shareholder Derivative Complaint filed in *ERSRI v. Pinterest* ("ERSRI Complaint") is attached hereto as Exhibit 1 to the Declaration of Louise Renne in
28 Support of Plaintiff's Administrative Motion to Consider Whether Cases Should Be Related.

1 have eight common Individual Defendants: Benjamin Silbermann, Jeffrey Jordan, Leslie J. Kilgore,
 2 Jeremy S. Levine, Gokul Rajaram, Fredric G. Reynolds, Evan Sharp, and Michelle Wilson.²

3 The cases also involve substantially the same “property, transaction or event.” See Civil Local
 4 Rule 3-12(a)(1). Both allege the Individual Defendants breached their fiduciary duties, violated federal
 5 securities laws, committed waste of corporate assets, and abused their control by participating in
 6 and/or allowing a culture of systemic race and sex discrimination to fester at Pinterest. Both cases
 7 include allegations of high-profile race and/or sex discrimination claims, as well as claims of
 8 retaliation, lodged against Pinterest by its former Chief Operating Officer Francoise Brougher and by
 9 Public Policy leaders Ifeoma Ozoma and Aerica Shimizu Banks.³

10 Second, “it appears likely that there will be an unduly burdensome duplication of labor and
 11 expense . . . if the cases are conducted before different Judges.” See Civil Local Rule 3-12(a)(2). Both
 12 cases require an understanding of similar subject matter, including the duties of Pinterest’s Board and
 13 executives arising from a shareholder derivative action and similar instances of leveling and pay
 14 discrimination and retaliation by Pinterest executives. Allowing such similar actions to proceed
 15 separately in different courts wastes judicial resources by forcing duplication of labor, and would risk
 16 inconsistent or conflicting rulings.

17 **II. CONCLUSION**

18 For the foregoing reasons, and pursuant to Civil Local Rule 3-12, ERSRI respectfully requests
 19 that the Court treat *ERSRI v. Pinterest* as related to the previously filed *Bushansky v. Pinterest* action.

20 Dated: November 30, 2020

21 By: /s/ Louise H. Renne

22 **RENNE PUBLIC LAW GROUP**

23 LOUISE H. RENNE (SBN 36508)

24 lrenne@publiclawgroup.com RUTH M.

BOND (SBN 214582)

25 _____
 26 ² *ERSRI v. Pinterest* names an additional defendant, Pinterest’s Chief Financial Officer Todd
 Morgenfeld.

27 ³ In addition, the ERSRI Complaint contains robust allegations from confidential witnesses and
 28 other public sources detailing additional instances of discrimination and retaliation by former
 employees.

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